IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FOURTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 4200 of 2005

Between:

S.Kumar S/o.Late Balraj
R/o.Tukkuguda Village, Maheshwaram Mandal, Ranga Reddy District.

..... PETITIONER

AND

1 Joint Collector, Ranga Reddy District, Khairtabad, Hyderabad.
2 Mandal Revenue Officer, Maheshwaram Mandal, Maheshwaram, Ranga Reddy District.
3 P.Parvathala Reddy S/o.Late Muthyam Reddy
R/o.Indira Seva sadan, Champapet, Cross Roads, Hyderabad.
4 K.Venkat Swamy S/o. Late Chandraiah
R/o.Tukkuguda Village, Maheshwaram Mandal Ranga Rreddy District.
5 K.Kistaiah S/o. Late Chandraiah
R/o.Tukkuguda Village, Maheshwaram Mandal Ranga Reddy District.
6 K.Papaiah S/o. Late Chandraiah
R/o.Tukkuguda village, Maheshwaram Mandal, Ranga Reddy District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to pass an order or orders particularly one in the nature of writ of Mandamus declaring the action of the First Respondent in not passing any orders in respect of the Stay Application in the Appeal preferred under section 90 of A.P.(T.A.) Tenancy and Agricultural Lands Act 1950, against the Proceedings of the M.R.O. Maheswaram in Proceedings No.D/1424/03 dt.11.10.2004 as bad, illegal and unconstitutional and

further direct the First Respondent to pass orders in respect of the Stay application pending the Appeal before him under Section 90of the Tenancy Act.

Counsel for the Petitioner:MR.KESHAV HULSURKAR

Counsel for the Respondent Nos.1 and 2: GP FOR REVENUE

Counsel for the Respondent Nos.3 to 6 : None appeared.

The Court at the stage of admission made the following :

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ORDER:

The petitioner is a legal heir of late Sappidi Balraj, who is claimed to be one of the protected tenants in respect of the land bearing S.No.196 admeasuring Ac.14.37 guntas situated
at Mankhal village, Thukkuguda Grama Panchayat, Maheswaram Mandal. He made an application along with others under
Section 32 of Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950 (for short "the Act") for restoration of possession of the said land along with an application under Section 40 of the Act seeking succession certificate, before the second respondent-Mandal Revenue Officer, Maheswaram Mandal, Ranga Reddy District. The said petitions were disposed of by the second respondent by an order dated 11.10.2004 holding that there were already proceedings dated 28.06.2002, whereunder the tenancy rights in respect of the land in question were surrendered. Aggrieved by the said order dated 11.10.2004, the petitioner filed a regular appeal before the first respondent under Section 90 of the Act and also sought for interim stay of the proceedings dated 11.10.2004.

The only grievance of the petitioner in this writ petition is that the first respondent has not considered his appeal and no orders have been passed even on his application for stay, so far. In the meanwhile, the respondents are attempting to implement the order dated 11.10.2004 and thereby to dispossess him from the land in question. Hence this writ petition.

Having heard learned counsel for the petitioner and the learned Government Pleader appearing for the respondents and keeping in view the fact that statutory appeal is pending before the first respondent, without expressing any opinion on merits, the writ petition is disposed of with a direction to the first respondent to dispose of the application for stay filed by the petitioner in the appeal preferred by him against the order of the second respondent dated 11.10.2004, after due notice to all the parties concerned, as expeditiously as possible, preferably within a period of two weeks from today, provided the petitioner complies with the objections, if any, raised by the appellate authority for registering the appeal. Till such time, status quo obtaining as on today as to the nature and possession of the land in question shall be maintained. No costs.

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04.03.2005

Note : Furnish C.C by tomorrow.

(B/O)

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To

1 Joint Collector, Ranga Reddy District, Khairtabad, Hyderabad.
2 Mandal Revenue Officer, Maheshwaram Mandal, Maheshwaram, Ranga Reddy District.
3 Two C.Cs to the G.P. for Revenue,High Court Buildings, Hyderabad (OUT).

4 2 CD copies

5 1 CC to MR.KESHAV HULSURKAR